

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BYRON JAMES BILBY,

Plaintiff,

v.

SGT. LACEY, et al

Defendants

CIVIL ACTION NO. 3:15-CV-11

(CAPUTO, J.)
(MEHALCHICK, M.J.)

REPORT AND RECOMMENDATION

This is a *pro se* civil action, initiated upon the filing of the complaint in this matter on January 5, 2015. ([Doc. 1](#)). Plaintiff, Byron James Bilby, alleges claims against the following Defendants: Sgt. Lacey, C.O. Campbell, CO John Doe 1, CO John Doe 2, CO John Doe 3, CO John Doe 4, and Jane Doe 1. ([Doc. 1](#)).

On January 27, 2016, the undersigned recommended that the complaint be dismissed with leave to file an amended complaint. ([Doc. 18](#)). On March 4, 2016, the Court adopted the report and recommendation, and ordered that Plaintiff file an amended complaint within thirty (30) days. ([Doc. 19](#)). The time for filing an amended complaint has passed.

Plaintiff has failed to timely file an amended complaint in accordance with the March 4, 2016 Order. ([Doc. 19](#)). Accordingly, it is recommended that the instant civil-action be closed.

Based on the forgoing, it is recommended that the Clerk be directed to close this case.

BY THE COURT:

Dated: June 30, 2016

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States Magistrate Judge

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NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing **Report and Recommendation** dated **June 30, 2016**. Any party may obtain a review of the Report and Recommendation pursuant to Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in [28 U.S.C. § 636\(b\)\(1\)\(B\)](#) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Dated: June 30, 2016

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States Magistrate Judge